

FILED

DEC 29 2021

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY ef
DEPUTY CLERK

Name JASON T CARBAJAL
Street Address 1078 E PONTIAC WAY
City and County FRESNO
State and Zip Code CA 93704
Telephone Number (559) 776-5816

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON TOBIAS CARBAJAL
PRO SE

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-
FRESNO POLICE DEPARTMENT
FRESNO SHERIFF DEPARTMENT
FRESNO SUPERIOR COURT
CALIFORNIA YOUTH AUTHORITY
CALIFORNIA DEPARTMENT OF CORRECTIONS

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. 1:21-cv-1825 NONE-BAM
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>JASON TOBIAS CARBONAL</u>
Street Address	<u>1028 E PONTIAC WAY</u>
City and County	<u>FRESNO</u>
State and Zip Code	<u>CA 93704</u>
Telephone Number	<u>(559) 776-5816</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>FRESNO POLICE DEPARTMENT</u>
Job or Title (if known)	
Street Address	<u>2323 MARIPOSA ST #2075</u>
City and County	<u>FRESNO, CALIFORNIA FRESNO</u>
State and Zip Code	<u>CALIFORNIA 93721</u>
Telephone Number	<u>(559) 621-2489</u>

Defendant No. 2

Name	<u>FRESNO SHERIFF DEPARTMENT</u>
Job or Title (if known)	
Street Address	<u>2200 FRESNO ST</u>
City and County	<u>FRESNO FRESNO</u>
State and Zip Code	<u>CALIFORNIA 93721</u>
Telephone Number	<u>(559) 600-3111</u>

Defendant No. 3

Name FRESNO SUPERIOR COURT
 Job or Title _____
 (if known) _____
 Street Address 1100 VANNESS AVE
 City and County FRESNO FRESNO
 State and Zip Code CALIFORNIA 93724
 Telephone Number (559) 457-2000

Defendant No. 4

Name CALIFORNIA DEPARTMENT OF CORRECTIONS
 Job or Title _____
 (if known) _____
 Street Address 1515 S ST #1010
 City and County SACRAMENTO SACRAMENTO
 State and Zip Code CALIFORNIA 95811
 Telephone Number (916) 324-7308

DEFENDANT NO. 5 CALIFORNIA YOUTH AUTHORITY

II. Basis for Jurisdiction

CALIFORNIA

Federal Courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in Federal Court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same state as any plaintiff.

What is the basis for Federal Court jurisdiction? (check all that apply)

☒ Federal question

☒ Diversity of citizenship

DEFENDANT No. 5

Division of Juvenile Justice
NAI CHADERJIAN YOUTH CORRECTIONAL
FACILITY

STOCKTON CA

7650 NEW CASTLE RD

(209) 944-6400 95215

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case. MENTAL ILLNESSES

FALSE IMPRISONMENT, TORTURE, DEFEAMATION OF
CHARACTER, FALSE CHARGES, PREJUDICE,
DOUBLE SEPERDY SENTENCING,

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) JASON T CARBANT, is a citizen of
the State of (name) CALIFORNIA.

b. If the plaintiff is a corporation

The plaintiff, (name) UNITED STATES GOVERNMENT, is incorporated
under the laws of the State of (name) CALIFORNIA,
and has its principal place of business in the State of (name)
ALL THESE ARE GOVERNMENT ENTITIES

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) UNITED STATES GOVERNMENT, is a citizen of
the State of (name) CALIFORNIA. Or is a citizen of
(foreign nation) _____.

Fresno Police Dept. and Fresno County Sheriffs Dept.

Incident 1: On or about 3, 1988, I was accused and prosecuted for a serious crime as a 12 year old child with mental illness. I was a 12 year old child accused of assaulting another 12 year old female. The incident took place on the bus on the way home from school. The girl didn't want me to sit by her and began making fun of my Asian roots and made mean and hurtful racial comments to me. I had experienced this type of harassment during all my childhood and on that day, I snapped and grabbed her crotch in retaliation. In that case, a female Fresno Police officer forcefully excluded my parents from the interrogation process and without adequate representation in the case, I was eventually prosecuted and convicted of child molestation. This conviction on my record followed me into adulthood and influenced subsequent charges and sentencing in the court and correctional systems.

Incident 2: On or about 1999, During a mental and emotional breakdown, I was arrested and beaten by Fresno police officers, who also hog-tied me and put a mask around my head and tightened the neck strap around my neck too tight. The Fresno Police officers left me in this restrained condition for 6-8 hours. While in the custody of the Fresno Sheriff's Department at the Fresno County jail, I remained restrained in the position I was put in by the Fresno PD. My breathing was restricted during this time, my arms and legs fell asleep, and I felt like I might die.

Fresno County Superior Court

On or about 1996, my sentence for a grand theft minor felony was extremely and unlawfully enhanced in the Fresno Superior courtroom of Judge Gene Gomes. Judge Gomes had a conflict of interest in this case that influenced him to target me for enhanced punishment using previous convictions and ignoring any assignment of evaluation of my mental health condition or consideration for rehabilitation. Judge Gomes conflict of interest revolves around my refusal to attend his family-owned substance abuse facility. Judge Gomes removed my credits for time served and sentenced me to the California Youth Authority (CYA) where I found the conditions to be torturous, abusive, and traumatic. I was sent to a prison that deprived me of mental health treatment and rehabilitation, but rather focused on punishing and torturing me. The details of the conditions and events that took place at CYA are horrific and will be later revealed and specified. It is my belief that Judge Gomes was aware of the conditions at CYA and knew I would receive punishment rather than mental health treatment and rehabilitation.

California Youth Authority

During my incarceration in the N. A. Chaderjian facility at California Youth Authority and as an adolescent, I was exposed to the most horrific, tortuous, and traumatic living conditions I have ever experienced in my life. Almost on a daily basis there were gang fights that were often encouraged by the staff. There were incidents of murder, stabbings, sodomy, beatings, and incidents of corruption by facility staff. I constantly feared for my life. In my deteriorating mental health condition, these almost daily occurrences were too much to bear. I was never mental health evaluated during this time nor was I ever offered mental health treatment. It is my

belief that the extreme mental and emotional distress caused by the conditions at Chaderjian were extremely deleterious to my mental and physical health.

California Corrections

My belief is that my time served in California Corrections was due to a justice system that illegally used prior convictions to enhance my sentences and punishment including illegal use of the three strikes law. During my incarceration in the California Correctional System, the conditions were torturous and traumatic and I feared for my life. Each day was consumed with staying out of trouble and staying alive. I continued to struggle with mental health issues without access to mental health treatment.

Summary of Civil Rights Violations

I submit the most important facts of my youth and adult court cases that were ignored or overlooked by those entrusted to examine and prosecute my court cases in a fair and impartial manner and to consider all the facts and mitigating circumstances of each case. During the prosecution of all my previous court cases and subsequent incarceration, the progressive deterioration of my mental health that began in my childhood was never seriously examined or considered. This resulted in devastating consequences and further damage to my mental health that continues to this day. Forthcoming depositions will attest to the cause and severity of emotional and psychological damage I suffered as a result of childhood trauma. The deleterious effects of severe unprocessed and untreated childhood trauma that I suffered as an infant and toddler was never considered as a contributing factor to my behavior even when I was accused and prosecuted for a serious crime as a 12 year old. I was a 12 year old child accused of assaulting a younger child. In that case, law enforcement forcefully excluded my parents from the interrogation process and without adequate representation in the case, I was eventually prosecuted and convicted of child molestation. This conviction on my record followed me into adulthood and influenced subsequent charges and sentencing in the court and correctional systems and was another source of constant emotional turmoil and trauma. Starting in the California Youth Authority until my release from Corcoran State Prison, the despair and constant fear for my life exacerbated the traumatic experiences that seemed to never end. Instead of receiving desperately needed mental health treatment and rehabilitation I was left exposed and vulnerable to the torturous and abusive treatment by corrupt correctional system staff.

- b. If the defendant is a corporation UNITED STATES
The defendant, (name) FEDERAL GOVERNMENT is
incorporated under the laws of the State of (name)
UNITED STATES, and has its principal place of
business in the State of (name) CALIFORNIA. Or is
incorporated under the laws of (foreign nation)
_____, and has its principal place of
business in (name) UNITED STATES.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

2.5 BILLION DOLLARS
FORMAL APOLOGY IN FRONT OF
THE WORLD FROM THE GUY WHO RUNS
THESE ENTITIES \$100,000 MONTHLY PAYMENTS
(NOTHING CAN REPAIR WHAT HAS BEEN DONE)

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

SO MANY DATES AND INCIDENTS. EACH DEFENDANT
HAS VIOLATED MY CIVIL RIGHTS NUMEROUS
TIMES AND DATES NEED TO BE SHOWN IN
JURY TRIAL, PLUS APPROXIMATELY 14 YEARS
OF FALSE IMPRISONMENT AND HUNDREDS OF
INCIDENTS

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I HAVE MENTAL ILLNESS FROM BIRTH. I BELIEVE I WAS TORTURED BY OUR GOVERNMENT AND AM STILL SUFFERING TO THIS DAY. FIRST I WANT A FORMAL APOLOGY FROM THE (PRESIDENT OF THE UNITED STATES). I DESERVE 2.5 BILLION DOLLARS IN CASH AND ALL MY CHILD SUPPORT AND ALL OTHER FEES PAID BY THE UNITED STATES GOVERNMENT AND MUCH MORE.

V.

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12, 29, 2021

Signature of Plaintiff

Printed Name of Plaintiff

JASON CARBAJAL PRO SE

December 26, 2021

Statement by Nick Carbajal (Father of Jason T. Carbajal)

I am making a statement as a witness to the childhood trauma experienced by Jason T. Carbajal. To the best of my recollection, the following is an accounting of significant events that occurred during Jason's childhood that were extremely traumatic and clearly led to mental health and behavioral problems during his childhood, adolescence, and has continued into adulthood.

Jason was born shortly after my marriage to his Korean immigrant mother, Choi Wija Carbajal. I met and cohabitated with Wija while serving in the Army in South Korea. After my discharge from the military, I arranged for Wija to come to the US so I could marry her. During this time, Wija and I had substance abuse problems due to our own mental health issues related to Post-Traumatic Stress.

Wija became pregnant with Jason shortly after our marriage. During Wija's pregnancy, she was also suffering from a culture shock that put a tremendous strain on our marriage. Wija often mentioned that she did not want to be pregnant and was unprepared to be a mother. After Jason's birth, we struggled financially and continued in our substance abuse. We had arguments that often led to physical violence. This behavior continued through Jason's childhood to about the age of five. The arguments and physical violence almost always took place in Jason's presence or woke him when he was sleeping. When I was at work, my parents would often visit our home to check on Jason and would find Wija sleeping late in the day and always find Jason toddling with a soiled diaper. My parents suspected that Jason was being physically abused and when I followed up discovered that Wija had been slapping and hitting Jason. It is my belief that her neglect, emotional, and physical abuse of Jason was due to her frustration with our marriage, our financial situation, and the demands of motherhood. However, our lack of parenting skills exposed Jason to other inappropriate behavior in the home including but not limited to not shielding Jason from our nudity and our sexual relations.

When Jason was about 4 years old, Wija informed me that she was leaving me and Jason and abruptly moved to southern California to live with her sister. I filed for divorce and eventually gained physical custody of Jason and moved in with my parents. This event intensified my alcoholism. At a time when Jason was close to me and needed me the most, I would be gone for days at a time, neglecting Jason, and leaving him in the care of my parents. Even at my parents urgings that Jason's feelings of abandonment were a serious issue that I needed to address, my own mental illness and addiction overwhelmed and prevented any efforts at being a responsible parent. My neglectful behavior continued for much of Jason's childhood as I struggled with alcoholism. It is my belief that when I remarried, Jason felt even more abandoned. He resented his stepmother and the subsequent birth of his stepbrother. He began to act out in ways that I now recognize were a response to post-traumatic stress syndrome due to child neglect and extreme mental and emotional abuse.

Statute of Limitations

My argument against the statute of limitations in this case applies the Common Law Discovery Rule: *Cada*, 920 F.2d at 450 and equitable tolling. Until recently (within the past 3 months), I did not discover and make the connection that the civil rights violations and abuses inflicted on me by the defendants has exacerbated the deterioration of my mental health condition (PTSD) over decades and has caused me continued mental health challenges to this day.